

2003 Alaska Spring/Summer Migratory Bird Subsistence Harvest

Questions and Answers

(1) What was the purpose of the 1918 Migratory Bird Treaty Act?

In the early 1900s, migratory bird hunting in North America was not Federally regulated and commercial market hunting of birds took its toll on population numbers. The 1916 Migratory Bird Treaty with Canada sought to stem the rapid declines noted in some bird species. The treaty prevented market hunting, opened regulated sport hunting of “game” species (primarily waterfowl), and protected birds during the nesting season, March 10 through September 1. Similar migratory bird treaties were subsequently signed between the United States and Mexico (1936), Japan (1972), and Russia (1976). To implement these treaties in the United States, Congress passed the Migratory Bird Treaty Act (1918 with later amendments).

(2) Why did the U.S. negotiate the 1997 Protocols?

The traditional harvest of migratory birds by northern peoples during the spring and summer months was not taken fully into account during the legal negotiations for the Canada and Mexico treaties. This harvest, which had occurred for centuries, was necessary to the subsistence way of life in the north and thus continued despite the closed season.

To remedy this situation, the United States negotiated Protocols amending both the Canada and Mexico treaties to allow for spring/summer subsistence harvest of migratory birds by indigenous inhabitants of identified subsistence harvest areas in Alaska. The U.S. Senate approved the amendments to both treaties in 1997.

(3) How did the 1997 Protocols change the treaties?

The major goals of the amended treaty with Canada are to allow for traditional subsistence harvest and to improve conservation of migratory birds by allowing effective regulation of this harvest. The amended treaty with Canada allows permanent residents of villages within subsistence harvest areas, regardless of race, to continue harvesting migratory birds between March 10 and September 1 as has been done for thousands of years. The Letter of Submittal, which accompanies the Protocols and sets out details for implementation, states that lands north and west of the Alaska Range and within the Alaska Peninsula, Kodiak Archipelago, and the Aleutian Islands generally qualify as subsistence harvest areas. Treaty language provides for further refinement of this determination through regulations.

The amendments are not intended to cause significant increases in the take of migratory birds. To that end, the Letter of Submittal places limitations on who is eligible to harvest and where they can harvest migratory birds. Anchorage, the Matanuska-Susitna and Fairbanks North Star

Boroughs, the Kenai Peninsula roaded area, the Gulf of Alaska roaded area, and Southeast Alaska generally do not qualify as subsistence harvest areas. Limited exceptions may be made so that some individual communities within these excluded areas may qualify for designation as subsistence harvest areas for specific purposes.

(4) How did the treaty amendments lead to the formation of the Alaska Migratory Bird Co-Management Council?

The amended treaty with Canada calls for creation of management bodies to ensure an effective and meaningful role for Alaska's indigenous inhabitants in the conservation of migratory birds. According to the Letter of Submittal, management bodies are to include Alaska Native, Federal, and State of Alaska representatives as equals. This led to the creation of the Alaska Migratory Bird Co-Management Council.

(5) What does the Alaska Migratory Bird Co-Management Council do?

Building on a procedural foundation established by regulation in 2002, the Council will develop recommendations for, among other things: seasons and bag limits, methods and means of take, law enforcement policies, population and harvest monitoring, education programs, research into, and use of, traditional knowledge, and habitat protection. The 2002 procedural regulations identify where the subsistence harvest may occur and who is eligible to participate.

The Alaska Migratory Bird Co-Management Council will submit relevant recommendations to the Service Regulation Committee. Restrictions in harvest levels for the purpose of conservation will be shared equitably by users in Alaska and users in other states, taking into account nutritional and other essential needs of subsistence users in Alaska. This was the process used to develop the proposed 2003 Alaska harvest regulations in the Proposed Rule.

(6) How will the Council ensure that bird conservation occurs?

The co-management process involving the U.S. Fish and Wildlife Service (Service), the Alaska Department of Fish and Game and Alaska Native representation will utilize all available information regarding continental bird population trends, past harvest levels, and local traditional environmental knowledge in making recommendations.

(7) When would the 2003 Alaska Spring/Summer Migratory Bird Subsistence Harvest regulations take effect?

The Alaska Spring/Summer Migratory Bird Subsistence Harvest regulations would take effect on April 2, 2003. This would have to be preceded by the publication of the Final Rule in the Federal Register, as well as distribution of a 2003 Harvest Regulations Booklet by the Service. The actual starting and ending dates of the harvest vary in different regions of the state. In addition, each region of the state would be subject to a 30-day closure to protect nesting birds.

If you are interested in specifics of the hunt such as when eligible individuals may hunt, what species may be hunted, and what methods and means an individual may use, please consult the Proposed Rule. at (<http://alaska.fws.gov/media/ambcc/arpr2003.pdf>)

(8) What areas are open to harvest and who, in those areas, is eligible to hunt?

Permanent residents of villages within subsistence harvest areas are eligible to harvest migratory birds and their eggs for subsistence purposes in the spring and summer. For more specifics regarding “subsistence harvest areas,” please see the 2002 “Procedures for Establishing Spring/Summer Subsistence Harvest Regulations for Migratory Birds in Alaska,” which is posted at <http://alaska.fws.gov/media/ambcc.html>. [67 Fed. Reg. 53511].

(9) Why do 22 birds on the 2002 *Birds of Conservation Concern* list also appear on the Migratory Bird Subsistence Harvest list?

The 2002 *Birds of Conservation Concern* list, recently released by the U.S. Fish and Wildlife Service, is legislatively mandated by a 1988 amendment to the Fish and Wildlife Conservation Act of 1980. The Act requires that the Service identify species at risk and in need of conservation action. A total of 129 birds are listed. There is no regulatory authority associated with this list.

We recognize that there appears to be a discrepancy in having 22 birds on the 2002 *Birds of Conservation Concern* list on the Subsistence Harvest list. It is our desire to point this out. In this first annual harvest AMBCC rule-making, we wish to engage the public in a manner that will improve future regulatory processes, legalize customary and traditional subsistence uses, as well as assure adequate protection of species. Therefore, we are seeking your comments on this matter.

(10) What is the public’s opportunity to comment on the proposed 2003 Alaska Spring/Summer Migratory Bird Subsistence Harvest regulations for Alaska?

The Proposed Rule will be published in the Federal Register in February 2003 with a 30-day public comment period. The Proposed Rule and related information will also be accessible on the web at <http://alaska.fws.gov/media/ambcc.html>. All comments received will be addressed in the Final Rule published in the Federal Register in March 2003.

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